

1 Neil A. Goteiner (State Bar No. 083524)  
Dennis M. Cusack (State Bar No. 124988)  
2 Carly O. Alameda (State Bar No. 244424)  
Farella Braun & Martel LLP  
3 235 Montgomery Street, 17th Floor  
San Francisco, CA 94104  
4 Telephone: (415) 954-4400  
Facsimile: (415) 954-4480  
5 E-mail: ngoteiner@fbm.com, dcusack@fbm.com,  
calameda@fbm.com

6 Attorneys for Plaintiff  
7 COUPONS, INC.

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 COUPONS, INC.,

12 Plaintiff,

13 vs.

14 JOHN STOTTLEMIRE, and DOES 1-10,

15 Defendants.

Case No. 5:07-cv-03457

**DECLARATION OF DENNIS M. CUSACK  
IN OPPOSITION TO DEFENDANT'S  
MOTION TO EXTEND TIME TO  
RESPOND TO THIRD AMENDED  
COMPLAINT**

Judge: Hon. Howard R. Lloyd

16  
17 I, Dennis M. Cusack, declare as follows:

18 1. I am a partner in the law firm of Farella Braun + Martel LLP, attorneys for  
19 plaintiff Coupons, Inc. in this matter.

20 2. On July 17, 2008, I informed Defendant John Stottlemire by email that Coupons  
21 had no objection to his request to have 30 additional days to respond to Coupons' Third Amended  
22 Complaint.

23 3. Coupons filed its Third Amended Complaint in this matter on July 22, 2008.

24 4. Defendant John Stottlemire informed me of his belief that the Third Amended  
25 Complaint contained factual allegations that lacked evidentiary support in a telephone  
26 conversation on July 23, 2008.

5. On July 30, 2008, I informed Mr. Stottlemire by email that Coupons stood by its Third Amended Complaint as filed.

6. On July 27, 2008 Mr. Stottlemire sent an email requesting a 126 day extension to file a responsive pleading to the Third Amended Complaint. On July 28, 2008 I informed Mr. Stottlemire by email that Coupons would not agree to the requested extension, as we had already agreed to 30 days, which was sufficient for him to pursue his Rule 11 motion in parallel with his motion to dismiss.

7. Coupons does not object to Mr. Stottlemire filing his Rule 11 motion less than 21 days after service.

8. I have personal knowledge of the foregoing and if called upon to testify thereto  
can and will competently do so.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in San Francisco, California on July 31, 2008.

/s/  
Dennis M. Cusack

1 **PROOF OF SERVICE**

2 I, the undersigned, declare that I am a resident of the State of California, employed in the  
3 County of San Francisco, over the age of eighteen years and not a party to the within action. My  
4 business address is: Farella Braun + Martel LLP, 235 Montgomery Street, 17<sup>th</sup> Floor, San  
Francisco, California 94104.

5 On this date I served the within document(s):

6 **DECLARATION OF DENNIS M. CUSACK IN OPPOSITION TO DEFENDANT'S**  
7 **MOTION TO EXTEND TIME TO RESPOND TO THIRD AMENDED COMPLAINT**

8 **X** **BY ELECTRONIC FILING:** the within document(s), the automatically generated  
notification for which constitutes service pursuant to General Order 45, Section IX(A) and (B).

9 John Allan Stottlemire  
10 33103 Lake Garrison Street  
11 Fremont, CA 94555  
12 Telephone: 614-358-4185  
E-mail: jstottl@comcast.net  
Defendant – *Pro Se*

13 I declare that I am employed in the office of a member of the bar of this court at whose  
14 direction the service was made.

15 I declare under penalty of perjury under the laws of the State of California that the above  
16 is true and correct. Executed in San Francisco, California on **July 31, 2008**.

17  
18 /s/  
Lawrence L. Coles